

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN JEFFRIES, et al.,	:	Case No. 1:21-cv-00184
	:	
Plaintiffs,	:	Judge Michael R. Barrett
	:	MJ: Karen L. Litkovitz
-vs-	:	
	:	
CITY OF CINCINNATI, et al.,	:	JOINT MOTION TO STAY
	:	DISCOVERY
Defendants.	:	

Plaintiffs and Defendants hereby jointly move to stay discovery and request that all case deadlines be suspended pending resolution of the Defendants' Motion to Dismiss filed on March 25, 2021. (Doc. 4). A memorandum in support of this motion follows here.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

The parties jointly seek a stay of discovery pending resolution of the Defendants' Motion to Dismiss, filed on March 25, 2021. Resolution of the Defendants' Motion could result in several different outcomes that impact the parties' scheduling order and discovery schedule: (1) total dismissal; (2) partial dismissal narrowing the issues; or (3) no dismissal of any claim. Therefore, a stay of discovery at this stage will serve the parties' joint interests in reducing the cost of resolving this case.

A stay of discovery is within the sound discretion of the trial court. *Chrysler Corp. v. Fedders Corp.*, 643 F.2d 1229, 1231 (6th Cir. 1981). "Trial courts have broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined." *Hahn v. Star Bank*, 190 F.3d 708, 719 (6th Cir. 1999) (citing *Landis v. North Am. Co.*, 299 U.S. 248, 254-55 (1936)).

In ruling on a motion for stay of discovery, the Court must weigh the burden of proceeding with discovery upon the party from whom discovery is sought against the hardship which would be worked by a denial of discovery. *See Bolletino v. Cellular Sales of Knoxville, Inc.*, No. 3:12-CV-138, 2012 U.S. Dist. LEXIS 112132, at *4 (E.D. Tenn. Aug 9, 2012) (quoting *Osman v. Mission Essential Personnel, LLC*, 2012 U.S. Dist. LEXIS 69563, 2012 WL 1831706, at *1 (S.D. Ohio 2012)). The Court is also required to consider any societal interests which are implicated by either proceeding with or postponing discovery. *Id.*

In the instant case, the parties agree that judicial economy is best served by a stay of discovery at this stage, pending the Court's determination of the outstanding Motion. Moreover, societal interests are protected in that neither party will be required to utilize its resources until this Motion is resolved.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 7th day of April 2022, a true and accurate copy of the forgoing Joint Motion to Stay Discovery was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

/s/ Katherine C. Baron
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